

2013 DRAFTING REQUEST

Bill

Received:	1/26/2013	Received By:	agary
Wanted:	As time permits	Same as LRB:	
For:	Administration-Budget	By/Representing:	Byrnes
May Contact:		Drafter:	agary
Subject:	Transportation - highways	Addl. Drafters:	
		Extra Copies:	EVM

Submit via email: YES
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Byrnes, BB0428 -

Topic:

Major highway development study project

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 1/28/2013			_____			
/1		kfollett 1/28/2013	rschluet 1/28/2013	_____	srose 1/28/2013		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

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/?	agary	1/15 1/28	5 n6	==			
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FE Sent For:

<END>

Gary, Aaron

From: Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>
Sent: Saturday, January 26, 2013 12:08 PM
To: Gary, Aaron
Subject: RE: [Possible SPAM] Statutory Language Drafting Request - BB0428

In response to your questions –

1. It's the preliminary engineering and design for a project that's currently under study for development of a major highway project– I'll get a more descriptive name from DOT on Monday.
2. On the timing issue and the appropriation – What the department is concerned about is a case where the EIS on this project is complete within the 2013-15 biennium and preferred alternative crosses the \$500 million threshold. The project would then have to be considered a "Southeast Wisconsin Megaproject". If this were the case, preliminary engineering and design could not take place because the project would be excluded from the majors funding stream and the project would not be an enumerated "Southeast Wisconsin Megaproject". So it would be excluded from both funding sources. The intent is to allow this project to be funded from Majors, regardless of the outcome of the EIS process, through the 2013-15 biennium. Where to properly fund the project would be addressed in the 2015-17 biennium.

There was a similar provision 2011-13 related to funding of the Hoan Bridge – 2011 Wisconsin Act 32 Section 2221am.

I hope that clears things up.

Tyler

From: Gary, Aaron [<mailto:Aaron.Gary@legis.wisconsin.gov>]
Sent: Saturday, January 26, 2013 11:52 AM
To: Byrnes, Tyler - DOA
Subject: RE: [Possible SPAM] Statutory Language Drafting Request - BB0428

Hi Tyler,

I'm not sure what this project is? Is this funding for a study? or for preliminary design or engineering? Can you give me any more details on how to describe this? (I also note that I cannot use parens in the stats or non-stats.)

Also, I'll need to clarify the chronology in the language below, as funds cannot be expended in FY13-14 if the condition precedent does not occur until almost FY 16. So I think the language would say something to the effect that DOT can expend funds from the appropriation under in FY 13-14 if the EIS decision is issued in FY13-14. Then repeat the same language for FY14-15, so that it's clear that you can't have an expenditure in FY 13-14 if the condition precedent doesn't occur until FY14-15.

Finally, I'm not sure why there is a reference to megaprojects, as the indicated appropriation is for majors, not megaprojects. Is (bq) the correct appropriation, or did you mean (aq)?

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Hanaman, Cathlene
Sent: Friday, January 25, 2013 2:35 PM

To: Gary, Aaron; Mueller, Eric
Subject: FW: [Possible SPAM] Statutory Language Drafting Request - BB0428
Importance: Low

From: Tyler.Byrnes@Wisconsin.gov [mailto:Tyler.Byrnes@Wisconsin.gov]
Sent: Friday, January 25, 2013 1:55 PM
To: Hanaman, Cathlene
Cc: Frederick, Caitlin - DOA; Byrnes, Tyler - DOA; Thornton, Scott - DOA
Subject: [Possible SPAM] Statutory Language Drafting Request - BB0428
Importance: Low

Biennial Budget: 2013-15

DOA Tracking Code: BB0428

Topic: Major Highway Development Study Project

SBO Team: TLGED

SBO Analyst: Byrnes, Tyler - DOA
Phone: (608) 266-1039
E-mail: Tyler.Byrnes@Wisconsin.gov

Agency Acronym: WisDOT

Agency Number: 395

Priority: Medium

Intent:

Please prepare a draft that allows the "Interstate Highway 94 (70th Street to 25th Street) Major Highway Study Project" to be funded from appropriation s. 20.395 (3)(bq) for FY14 and FY15 if a record of decision on the project's environmental impact study is issued before the beginning of FY16.

This project should be funded from this appropriation regardless of whether it meets statutory criteria as a "State Highway Megaproject"

Nonstatutory language should be able to accomplish this change.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1355/1
ARG...

DOA:.....Byrnes, BB0428 – Major highway development study project

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

Don't Gen

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

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TRANSPORTATION

HIGHWAYS

X This bill authorizes DOT to fund preliminary engineering and design work associated with the reconstruction of I 94 in Milwaukee County from 70th Street to 25th Street from its state-funds major highway projects appropriation, during the 2013-15 fiscal biennium, if a record of decision on the project's environmental impact study is issued during the 2013-15 fiscal biennium. The project may be funded from this appropriation even if the project qualifies as a southeast Wisconsin freeway megaproject rather than a major highway project.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 20.395 (3) (bq) of the statutes is amended to read:

3 20.395 (3) (bq) *Major highway development, state funds.* As a continuing
4 appropriation, the amounts in the schedule for major development of state trunk and

connecting highways, for the disadvantaged business demonstration and training program under s. 84.076, and for the purpose specified in s. 84.017 (3), and for the purpose specified in 2013 Wisconsin Act (this act), section 9145 (4). This paragraph does not apply with respect to any southeast Wisconsin freeway megaproject under s. 84.0145, except as applicable under 2013 Wisconsin Act (this act), section 9145 (4). *a.f. (b)*

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185; 2001 a. 16, 104, 109; 2003 a. 33, 64, 139, 220, 320; 2005 a. 25, 319, 335, 2007 a. 20, 42; 2009 a. 28, 224, 226, 276; 2011 a. 32, 257; 2011 a. 260 s. 80; s. 13.92 (2) (i). *create auto ref (a)*

SECTION 2. 20.395 (3) (bq) of the statutes, as affected by 2013 Wisconsin Act

(this act), is amended to read:

20.395 (3) (bq) *Major highway development, state funds.* As a continuing appropriation, the amounts in the schedule for major development of state trunk and connecting highways, for the disadvantaged business demonstration and training program under s. 84.076, and for the purpose specified in s. 84.017 (3), and for the purpose specified in 2013 Wisconsin Act (this act), section 9145 (4). This paragraph does not apply with respect to any southeast Wisconsin freeway megaproject under s. 84.0145, except as applicable under 2013 Wisconsin Act (this act), section 9145 (4). *a.f. (b)*

SECTION 9145. Nonstatutory provisions; Transportation.

create auto ref (b)
(1) TEMPORARY FUNDING FOR I 94 PROJECT.

(a) In this subsection, "I 94 project" means the reconstruction of I 94 in Milwaukee County from 70th Street to 25th Street.

(b) Notwithstanding sections 84.013 (1) (a) and 84.0145 (2) and (3) of the statutes, during the 2013-14 fiscal year, the department of transportation may encumber or expend moneys from the appropriation under section 20.395 (3) (bq) of

1 the statutes for preliminary engineering and design work associated with the I 94
2 project if a record of decision on the project's environmental impact study is issued
3 during the 2013-14 fiscal year. ✓ ✓ ✓

4 (c) Notwithstanding sections 84.013 (1) (a) and 84.0145 (2) and (3) of the
5 statutes, during the 2014-15 fiscal year, the department of transportation may
6 encumber or expend moneys from the appropriation under section 20.395 (3) (bq) of
7 the statutes for preliminary engineering and design work associated with the I 94
8 project if a record of decision on the project's environmental impact study is issued
9 during the 2013-15 fiscal biennium. ✓

10 **SECTION 9445. Effective dates; Transportation.** ✓

11 (1) TEMPORARY FUNDING FOR I 94 PROJECT. The treatment of section 20.395 (3) (bq)
12 (by SECTION ~~9~~ ^{a.f.a}) of the statutes takes effect on July 1, 2015.

13 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1355/1
ARG:kjfrs

DOA:.....Byrnes, BB0428 – Major highway development study project

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau
TRANSPORTATION

HIGHWAYS

This bill authorizes DOT to fund preliminary engineering and design work associated with the reconstruction of I 94 in Milwaukee County from 70th Street to 25th Street from its state-funded major highway projects appropriation, during the 2013-15 fiscal biennium, if a record of decision on the project's environmental impact study is issued during the 2013-15 fiscal biennium. The project may be funded from this appropriation even if the project qualifies as a southeast Wisconsin freeway megaproject rather than a major highway project.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 20.395 (3) (bq) of the statutes is amended to read:

3 20.395 (3) (bq) *Major highway development, state funds.* As a continuing
4 appropriation, the amounts in the schedule for major development of state trunk and

1 connecting highways, for the disadvantaged business demonstration and training
2 program under s. 84.076, and for the purpose specified in s. 84.017 (3), and for the
3 purpose specified in 2013 Wisconsin Act ... (this act), section 9145 (1). This
4 paragraph does not apply with respect to any southeast Wisconsin freeway
5 megaproject under s. 84.0145, except as applicable under 2013 Wisconsin Act ... (this
6 act), section 9145 (1).

7 **SECTION 2.** 20.395 (3) (bq) of the statutes, as affected by 2013 Wisconsin Act
8 (this act), is amended to read:

9 20.395 (3) (bq) *Major highway development, state funds.* As a continuing
10 appropriation, the amounts in the schedule for major development of state trunk and
11 connecting highways, for the disadvantaged business demonstration and training
12 program under s. 84.076, and for the purpose specified in s. 84.017 (3), and for the
13 purpose specified in 2013 Wisconsin Act (this act), section 9145 (1). This
14 paragraph does not apply with respect to any southeast Wisconsin freeway
15 megaproject under s. 84.0145, except as applicable under 2013 Wisconsin Act (this
16 act), section 9145 (1).

17 **SECTION 9145. Nonstatutory provisions; Transportation.**

18 (1) TEMPORARY FUNDING FOR I 94 PROJECT.

19 (a) In this subsection, "I 94 project" means the reconstruction of I 94 in
20 Milwaukee County from 70th Street to 25th Street.

21 (b) Notwithstanding sections 84.013 (1) (a) and 84.0145 (2) and (3) of the
22 statutes, during the 2013–14 fiscal year, the department of transportation may
23 encumber or expend moneys from the appropriation under section 20.395 (3) (bq) of
24 the statutes for preliminary engineering and design work associated with the I 94

1 project if a record of decision on the project's environmental impact study is issued
2 during the 2013–14 fiscal year.

3 (c) Notwithstanding sections 84.013 (1) (a) and 84.0145 (2) and (3) of the
4 statutes, during the 2014–15 fiscal year, the department of transportation may
5 encumber or expend moneys from the appropriation under section 20.395 (3) (bq) of
6 the statutes for preliminary engineering and design work associated with the I 94
7 project if a record of decision on the project's environmental impact study is issued
8 during the 2013–15 fiscal biennium.

9 **SECTION 9445. Effective dates; Transportation.**

10 (1) TEMPORARY FUNDING FOR I 94 PROJECT. The treatment of section 20.395 (3) (bq)
11 (by SECTION 2) of the statutes takes effect on July 1, 2015.

12 (END)